

AG Contract No.: KR03-1761TRN  
ADOT ECS File No.: JPA 03-114  
Amendment #1  
TRACS No: HF095 01C  
Project: HRF-SAF-0-795  
Section: 20<sup>th</sup> Avenue

**AMENDMENT NO. ONE (1)  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF SAFFORD

THIS AGREEMENT is entered into 30th June, 2004 Amendment One to JPA 03-114, AG Contract No.: KR03-1761TRN, filed with the Secretary of State under No. 26636 pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, (the "State") and the CITY acting by and through its MAYOR and CITY COUNCIL (the "City").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-401 & 28-6993(g) to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

The parties agree to amend the above-referenced agreement to change the Fiscal Year 2005 Highway User Revenue Funds (HURF) for the construction of improvements to 20<sup>th</sup> Avenue for the City of Safford to Fiscal Year 2006. Funds will be repaid to the State by withholding from the Southeastern Arizona Governments Organization (SEAGO) in Fiscal Year 2006.

THEREFORE, in consideration of the mutual agreements expressed herein, this Agreement is amended as follows:

Paragraph 3. is revised in full as follows:

3. The State has approved the exchange of \$2,699,528.00 Highway User Revenue Funds (HURF) in Fiscal Year **2006** to the City for the construction of improvements to 20<sup>th</sup> Avenue, roadway reconstruction and such funds will be repaid to the State by withholding from the Southeastern Arizona Governments Organization (SEAGO) federal funds and the obligation authority for federal funds in the amount of \$2,846,783.00 in Fiscal Year **2006**.

# 0 /  
NO. 26636  
Filed with the Secretary of State  
Date Filed: 06/30/04

Janice K. Brewer  
Secretary of State

By: Dwight J. Huesenwald

**II. SCOPE OF WORK**

2. The following shall replace Article II.2.b:

b. Withhold from SEAGO, federal funds and the obligation authority of federal funds \$2,846,783.00 in fiscal year 2006 for construction.

**EXCEPT AS AMENDED Herein**, All Other terms and conditions of the original Agreement remain in full force and effect.

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IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**CITY OF SAFFORD**

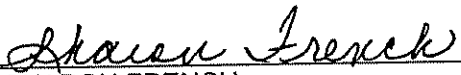
By   
VAN TALLEY  
Mayor

**STATE OF ARIZONA**

Department of Transportation

By   
DALE BUSKIRK, Director  
Transportation Planning Division

ATTEST:

By   
SHARON FRENCH  
City Clerk

**RESOLUTION NO. 04-019**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAFFORD APPROVING AND REVISING AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION PROVIDING FUNDING FOR THE IMPROVEMENT OF 20<sup>TH</sup> AVENUE IN SAFFORD AND THATCHER**

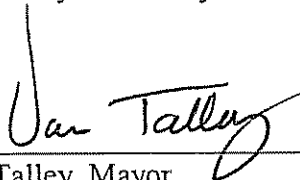
**WHEREAS**, The City of Safford desires to improve 20<sup>th</sup> Avenue from Relation Street to Highway 70 cooperatively with the Town of Thatcher and the Arizona Department of Transportation; and

**WHEREAS**, the City of Safford has the authority to enter into an intergovernmental agreement with the Arizona Department of Transportation for the purposes of receiving funding to improve a roadway; and

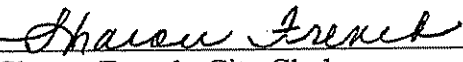
**WHEREAS**, The City of Safford has budgeted funds for these improvements, previously approved an agreement with the Arizona Department of Transportation, and desires to revise this agreement.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Safford, that the Mayor is authorized on behalf of the City of Safford to enter into Amendment No. One (1) Intergovernmental Agreement with the State of Arizona for improvements to 20<sup>th</sup> Avenue, all as attached and incorporated herein.

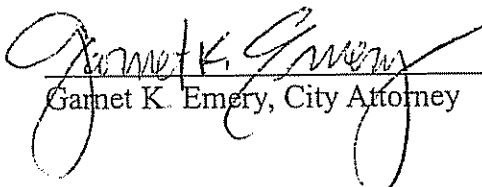
**PASSED, ADOPTED, AND APPROVED** by the Mayor and City Council of the City of Safford this 24<sup>th</sup> day of May, 2004.

  
\_\_\_\_\_  
Van Talley, Mayor

ATTEST:

  
\_\_\_\_\_  
Sharon French, City Clerk

APPROVED AS TO FORM:

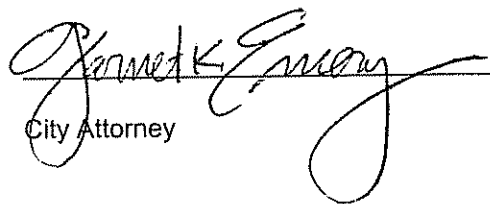
  
\_\_\_\_\_  
Garnet K. Emery, City Attorney

JPA 03-114  
AMENDMENT ONE

APPROVAL OF THE CITY OF SAFFORD ATTORNEY

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF SAFFORD, an agreement among public agencies which, has been reviewed pursuant to A.R.S. section 11-951 through 11-954 and declare this agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 24th day of May, 2004.

  
City Attorney



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

TERRY GODDARD  
ATTORNEY GENERAL

CIVIL DIVISION  
TRANSPORTATION SECTION

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR03-1761TRN (**JPA 03-114**), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: June 23, 2004

TERRY GODDARD  
Attorney General

A handwritten signature in cursive script, reading "Richard L. Rice", is written over a horizontal line.

RICHARD L. RICE  
Chief Counsel  
Transportation Section